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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/839,832      | 04/19/2001  | Ojas T. Choksi       | 062891.0515         | 2046             |

7590

02/24/2005

Terry J. Stalford  
Baker Botts, L.L.P.  
2001 Ross Avenue, Suite 600  
Dallas, TX 75201-2980

EXAMINER

FERGUSON, KEITH

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|   |                                      |  |  |
|---|--------------------------------------|--|--|
| <b>Advisory Action</b><br><b>Before the Filing of an Appeal Brief</b> | <b>Application No.</b><br>09/839,832 | <b>Applicant(s)</b><br>CHOKSI, OJAS T. |  |
|   | <b>Examiner</b><br>Keith T. Ferguson | <b>Art Unit</b><br>2683                |  |

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 24 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 1-48.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

*Keith T. Ferguson*

Continuation of 11. does NOT place the application in condition for allowance because: Applicants arguments: Regarding claim 1, applicant alleges that Chang do not disclose or suggest "receiving at a mobile device a signal having data indicative of a location of the mobile device and determining whether the mobile device is within a coverage area of a specified network based on the data. Explanation: The examiner respectfully disagrees, because Chang teaches a radio telephone when powering up or enters the coverage area of a public system base station it obtains userzone IDs from the paging channel. If the radiotelephone finds a userzone id that match those stored in the radiotelephone, the radiotelephone attempts to locate the userzone using the broadcast information parameters within its service area. If the radiotelephone determines that it is within the boundaries of a particular user zone it displays the alphanumeric tag associated with the user zone (col. 7 line 65 through col. 8 line 11). Chang further teaches when the radiotelephone powers ups and monitoring the public system, the radiotelephone obtains private system user zone information, and if a userzone match a userzone stored within the radio telephone memory, it attempts to register with the private system and registers with that private system (col. 8 lines 36 through col. 9 line 2). Argument: Applicant alleges that Chang does not include a mobile device, as its focal point in defining location. Explanation: Examiner respectfully disagrees, because when Chang radiotelephone receives the userzone IDs broadcast by the public system and attempts to register with the Userzone IDs stored within its memory and displays the user zone (col. 8 lines 1-15). The user zone includes the user zone ID, latitude, longitude, and radius (col. 7 lines 54-64 and col. 8 lines 25-31). Argument: Applicant alleges that Souissi simply fails to offer anything that is combinable with Chang that would be material to patentability. In particular, Souissi is deficient in a number of aspects. For example, Souissi provides a distance evaluation: but an evaluation that is not within the environment of detennining whether the mobile device is within a coverage area of a specified network based on the data and scanning for the specified network in response to at least detennining that the mobile device is within the coverage area of the specified network. Explanation: Examiner agrees with applicant, however, the Souissi et al. reference teaches a location is determined at which a subscriber unit communicating with a first wireless system is positioned (abstract, col. 1 lines 35-55, fig. 4 and col. 4 line 64 through col. 5 line 40). A distance between the location and a second wireless system preferred by the subscriber unit is calculated, and based upon the distance, it is decided whether the subscriber unit will scan for a signal from the second wireless system (abstract, col. 1 lines 35-55, fig. 4 and col. 4 line 64 through col. 5 line 40). The Souissi et al. reference is used to teach applicant claim 1 as a whole, and only address the new claim limitation which Chang reference does not teach. 5. Argument: Regarding claim 1, Applicant alleges that there is no teaching or motivation to combine Chang, Souissi and Seazholtz. Explanation: Examiner respectfully disagrees, claim 1 is rejected by Chang and Souissi. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teaching of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. it is not necessary that the reference actually suggest, expressly or in so many words the changes or improvements that applicants has made. The test for combine references is what the references as a whole would have suggested to one of ordinary skill in the art. Chang teaches a radio telephone when powering up or enters the coverage area of a public system base station it obtains userzone IDs from the paging channel. If the radiotelephone finds a userzone id that match those stored in the radiotelephone, the radiotelephone attempts to locate the userzone using the broadcast information parameters within its service area. If the radiotelephone determines that it is within the boundaries of a particular user zone it displays the alphanumeric tag associated with the user zone (col. 7 line 65 through col. 8 line 11). Chang further teaches when the radiotelephone powers ups and monitoring the public system, the radiotelephone obtains private system user zone information, and if a userzone match a userzone stored within the radio telephone memory, it attempts to register with the private system and registers with that private system (col. 8 lines 36 through col. 9 line 2). Souissi et al. teaches a location is determined at which a subscriber unit communicating with a first wireless system is positioned (abstract, col. 1 lines 35-55, fig. 4 and col. 4 line 64 through col. 5 line 40), a distance between the location and a second wireless system preferred by the subscriber unit is calculated, and based upon the distance, it is decided whether the subscriber unit will scan for a signal from the second wireless system (abstract, col. 1 lines 35-55, fig. 4 and col. 4 line 64 through col. 5 line 40). Souissi et al. is used to modify Chang in order for the radiotelephone to quickly detect and select a preferred private wireless system when roaming within a specified distance of the preferred private system which saves power within the mobile device by not having to continuous scan channels of the private wireless system.